

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TAVARES BROOKS,

Petitioner,

Case No. 17-10628

v.

SHANE JACKSON,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR ORAL ARGUMENT

This is a habeas corpus case under 28 U.S.C. § 2254. Petitioner Tavares Brooks has been convicted of first-degree murder, felon in possession of a firearm, carrying a dangerous weapon with unlawful intent, and three counts of possessing a firearm during the commission of a felony. The Michigan Court of Appeals affirmed Petitioner's convictions, and the Michigan Supreme Court denied leave to appeal.

On February 27, 2017, Petitioner commenced this action by filing a *pro se* petition for the writ of habeas corpus. He alleges as grounds for relief that: (1) he was denied due process and a fair trial by the admission of hearsay; (2) he was deprived of his Sixth Amendment right to effective assistance of counsel when counsel failed to investigate and present an alibi defense and alibi witnesses; (3) his right of confrontation was violated by the admission of the victim's dying declaration that "TJ" shot him; (4) he was convicted on insufficient evidence; and (5) he was deprived of due process and a fair trial when the government failed to investigate, disclose, and analyze physical evidence. The State has filed an answer to the petition in which it argues that

Petitioner's first claim is not cognizable on habeas review and that the state appellate court's rejection of Petitioner's other claims was not objectively unreasonable.

Currently pending before the court is Petitioner's motion for oral argument. Petitioner contends that oral arguments would assist the court in deciding the issues and would help the court understand the extent to which his trial attorney was ineffective. Additionally, Petitioner asserts that the issues are complex and recent court decisions warrant discussion of their applicability to his case.

The court finds that oral arguments are unnecessary because both Petitioner and the State have clearly set forth their arguments in their respective pleadings.

Accordingly,

IT IS ORDERED that Petitioner's Motion for Oral Argument (Dkt. # 9) is DENIED. The court will adjudicate Petitioner's habeas claims in a future order without further notice to the parties.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 10, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522